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September 10, 2013

BY ECF

The Hon. James C. Francis
United States District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

RE: *Chen-Oster, et al. v. Goldman, Sachs & Co., et al.*, No. 10 Civ. 6950

Dear Judge Francis:

We represent Plaintiffs in the above-captioned matter and write to advise the Court of a scheduling issue that has recently arisen, as well as update the Court on the status of discovery.

In the last week, Plaintiffs' counsel were advised by one of our testifying experts that the expert is no longer able to complete his assignment due to an unexpected medical condition. While we have been able to secure a replacement for this expert, the replacement expert does not have sufficient time available to complete an opening expert report by the upcoming September 30, 2013 deadline. *See* Order dated June 24, 2013 [Dkt. No. 184]. In addition, yesterday we were advised by Goldman Sachs that it still has not completed its production of data in connection with the upcoming expert reports, and that Goldman is not sure when such production will be complete. Finally, there remain a number of categories of documents outstanding – including many email custodians from whom we have received no documents as of this date – that directly relate to the Plaintiffs' class certification motion.

Accordingly, in light of the expert medical issue and delays with discovery that have occurred outside Plaintiffs' control, we respectfully request that the below schedule as set forth in the Court's June 24, 2013 Order [Dkt. No. 184] be continued by 30 days to allow Plaintiffs the minimum time needed to satisfy their burden here:

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	Current	Proposed
1. Class expert discovery. ¹		
a. Plaintiffs produce their class expert reports by:	09/30/13	10/30/13
b. Depositions of plaintiffs' class experts completed by:	10/21/13	11/20/13
c. Defendants produce their class expert reports by:	11/11/13	12/11/13
d. Depositions of defendants' class experts by:	12/02/13	01/03/14 ²
e. Plaintiffs submit class expert rebuttal reports by:	12/16/13	01/17/14
2. Class certification briefing schedule.		
a. Plaintiffs shall move for class certification by:	12/16/13	1/17/14
b. Defendants oppose class certification by:	02/01/14	03/05/14
c. Plaintiffs shall reply by:	03/06/14	04/07/14
3. Non-expert discovery.		
All non-expert discovery completed by:	08/29/14	09/29/14

¹ In the prior schedule, Plaintiffs had voluntarily agreed to stay discovery not related to class expert opinions during the pendency of the expert discovery and class briefing. However, in light of the fact that so much discovery is still outstanding from Goldman (or is the subject of pending or anticipated discovery motions), Plaintiffs no longer propose a voluntary stay of discovery with this amended schedule.

² Plaintiffs propose to add 2 days to the end of this schedule to accommodate expected scheduling challenges during this time period.

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Plaintiffs respectfully submit that even the requested continuance of 30 days will be challenging, but Plaintiffs are attempting to minimize any disruptions to the schedule.

Plaintiffs' counsel have discussed this request for continuance with defense counsel. Defense counsel were unwilling to agree to this request without adding restrictions on discovery that Plaintiffs believe would be unduly prejudicial given the introduction of a new testifying expert and the incomplete discovery to date. Accordingly, Plaintiffs respectfully request the opportunity to be heard on this matter by the Court as an additional item on the calendar for the discovery hearing already set in this case on September 12, 2013.

Very truly yours,



Kelly M. Dermody



Adam T. Klein

cc: Defense Counsel
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